

REMARKS

This Amendment is fully responsive to the non-final Office Action dated July 17, 2007, issued in connection with the above-identified application. A petition for a one-month extension of time accompanies this Amendment. Claims 45-47 were previously pending in the application. With this Amendment, claims 45-47 have been canceled without prejudice or disclaimer to the subject matter therein. Additionally, independent claims 48-52 have been added. Accordingly, claims 48-52 are all the claims presently pending in the application. No new matter has been introduced by this Amendment; thus, reconsideration of the application is respectfully requested.

The Office Action rejected claims 45-47 under 35 USC 103(a) as being unpatentable over Ginter et al. (U.S. Patent No. 5,910,987, hereafter "Ginter"). As noted above, claims 45-47 have been canceled rendering the rejection to claims 45-47 under 35 USC 103(a) moot. Additionally, the Applicants maintain that the new claims 48-52 are neither anticipated nor rendered obvious by Ginter for at least the reasons noted below.

Independent claims 48-52 recite either (or in some cases both) "a search requesting unit" (or step) or "a distribution management device" (or step) with features not disclosed or suggested by Ginter.

For example, independent claim 48 is directed to a content distribution management system that includes a distribution management device comprising the following features:

- 1) a search requesting unit that is operable to send a search condition to the communication exchange device, receive a predetermined search list from the communication exchange device, weight attribute information indicating a characteristic of each of the content which is attached to the received search list, compare the content based on the attribute information, and specify the most weighted content and a communication terminal device which is the distributor of the most weighted content; and
- 2) a distribution management device that includes a payment management processing unit operable to update the copyright management information and the payment management information based on one of the purchase requesting

information and the rule registration request,

wherein the updating is performed by decreasing, by a number of rights which are purchased, the number of the rights in the memory unit regarding the content for which the purchase requesting information is sent, and registering, in the memory unit, payment information indicating the number of the rights which are purchased and the information indicating when the rights are not purchased, when the purchased content which is purchased according to the purchase requesting information, and the purchase requesting information is received from the communication terminal device, and

the updating is performed by updating the payment information in the memory unit regarding the content for which the rule registration request is sent, from the information indicating when the rights are not purchased, to the payment amount for each of the rights, when the rule registration request is received from the communication terminal device.

One or both of the features recited above for independent claim 48 are similarly recited in independent claims 49-52. Specifically, claim 49 is directed to a device that includes all the features of the distribution management device of claim 48. Claim 50 is directed to a device that includes all the features of the search requesting unit of claim 48. Claim 51 is directed to a method that includes steps for performing all the features of the search requesting unit and the distribution management device of claim 48. Finally, claim 52 is directed to a method that includes steps for performing all the features of the distribution management device of claim 48.

The features of claims 48-52 are fully supported by the Applicants' disclosure and are not believed to be disclosed or suggested by Ginter.

Ginter discloses a system and method for secure transaction management and electronic rights protection of content in a communication system. In the Office Action, the Examiner relied on col. 22, lines 10-67 for disclosing or suggesting a searching operation for content that includes the use of a search list and weighted attributes, as in the present invention.

However, Ginter, at col. 22, lines 10-67, describes the use of "information increments"

used to tailor the content received by a user. For example, a user can define content he/she wants to receive by using the information increments. In Ginter, the information increments appear to allow a user to more narrowly define a subset of desired content that is contained within a larger set of content. This way, the user is provided with the most desirable or relevant content for viewing, and does not receive and is not charged for content that he/she is not interested in viewing.

Nothing in col. 22, lines 10-67 of Ginter discloses all the features of the search requesting unit of the present invention. Specifically, in the present invention, a search requesting unit is operable to send a search condition to the communication exchange device, receive a predetermined search list from the communication exchange device, weight attribute information indicating a characteristic of each of the content which is attached to the received search list, compare the content based on the attribute information, and specify the most weighted content and a communication terminal device which is the distributor of the most weighted content.

Ginter however fails to disclose or suggest at least the “compare” and “specify” features performed by the search requesting unit of the present invention.

Accordingly, Ginter cannot anticipate or render obvious the present invention recited in claims 48, 50 and 51.

Moreover, in the Office Action, the Examiner relied on Ginter at col. 55, line 14-col. 56, line 30 for disclosing or suggesting the content distribution unit of the present invention.

Specifically, Ginter at col. 55, line 14-col. 56, line 30 discloses a virtual distribution environment that provides for the payment of content separately from the delivery of content. Additionally, Ginter discloses the use of “rules and controls” corresponding to certain content for controlling how content is processed and viewed by a user. For example, the “rules and controls” may be used to determine the following: 1) the type of usage, 2) the base charge, and 3) the payment method. Nothing in Ginter, however, describes the virtual distribution environment as being able to perform the “updating” operation performed by the distribution management device of the present invention.

Specifically, in the present invention, the distribution management device includes a

payment management processing unit operable to update the copyright management information and the payment management information based on one of the purchase requesting information and the rule registration request. This updating by the distribution management device is performed in two ways:

1) by decreasing, by a number of rights which are purchased, the number of the rights in the memory unit regarding the content for which the purchase requesting information is sent, and registering, in the memory unit, payment information indicating the number of the rights which are purchased and the information indicating when the rights are not purchased, when the purchased content which is purchased according to the purchase requesting information, and the purchase requesting information is received from the communication terminal device; and

2) by updating the payment information in the memory unit regarding the content for which the rule registration request is sent, from the information indicating when the rights are not purchased, to the payment amount for each of the rights, when the rule registration request is received from the communication terminal device. None of these features noted above are disclosed or suggested by Ginter. Accordingly, Ginter cannot anticipate or render obvious the present invention recited in claims 48, 49, 51 and 52.


Based on the foregoing, Ginter cannot anticipate the present invention as recited in independent claims 48-52. Additionally, no obvious combination with or modification to Ginter would result in, or otherwise render obvious, the present invention recited in independent claims 48-52. Thus, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record, and in condition for allowance.

In light of the discussion above, the Applicants respectfully request that the Examiner withdraw the previous rejections to the claims and pass the application to issue.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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